AMENDMENTS TO THE DRAWINGS:

The attached one (1) sheet of drawings includes changes to Figures 4 and 5. The attached one (1) replacement sheet, which includes Figures 4 and 5, replaces the replacement sheet submitted on September 16, 2005 including Figures 4 and 5. Figures 4 and 5 have been amended to change handwritten text with typed text. No new matter has been added.

Attachment: One (1) Replacement Sheet

REMARKS

I. Introduction

Claims 1 to 9 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the present application is in condition for immediate allowance, and reconsideration is respectfully requested.

II. Objection to the Drawings

As regards the objection to the drawings, the Examiner will note that Figures 4 and 5 have been amended herein to replace handwritten text with typed text. No new matter has been added. In view of the foregoing, it is respectfully submitted that the present objection has been obviated, and withdrawal of this objection is respectfully requested.

III. Allowable Subject Matter

Applicant notes with appreciation the indication of allowable subject matter included in claims 4 and 5.

IV. Rejection of Claims 1 to 3 and 6 to 9 Under 35 U.S.C. § 102(b)

Claims 1 to 3 and 6 to 9 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,278,913 ("Delfosse et al."). It is respectfully submitted that Delfosse et al. do not anticipate the present claims for at least the following reasons.

Claim 1 relates to a method for analyzing a drive system. Claim 1 recites that the method includes two steps, namely: (1) successively applying a plurality of noise signals to the drive system as input signals, the noise signals covering different frequency ranges; and (2) determining a transfer function of a target system within the drive system in accordance with the noise signals applied to the drive system in the applying step. The Final Office Action merely refers to Figures 1 to 3 of Delfosse et al. without any particularity as to where or how Delfosse et al. are considered to disclose the foregoing method steps.

As regards the "successively applying" step, it is not readily apparent that Delfosse et al. disclose, or even suggest, successively applying a plurality of noise signals to a drive system as input signals, the noise signals covering different

frequency ranges. While Delfosse et al. may refer to a random noise source 140, Delfosse et al. do not disclose, or even suggest, successively applying a plurality of noise signals *__covering different frequency ranges__* to a drive system. Rather, Delfosse et al. mention a repeating pseudorandom Galois sequence. Thus, the noise source 140 outputs noise having a repeating sequence of *__individual__* frequencies rather than a noise signal *__covering different frequency ranges__*. Thus, any contentions that Delfosse et al. disclose, or even suggest, a successively applying step as recited in claim 1 is apparently based on a misapprehension of the subject matter of claim 1 and/or a misapprehension of the description by Delfosse et al.

As regards the "determining" step, as indicated above, claim 1 recites determining a transfer function of a target system within the drive system in accordance with noise signals applied to the drive system in the applying step. The only mentions by Delfosse et al. of a transfer function appear at col. 5, lines 59 to 66, to wit:

> In other applications, a high grade or near ideal speaker is used and the speaker *__transfer function__* is unity, whereby model 142 models only the error path. In other applications, the error path *__transfer function__* is unity, e.g., by shrinking the error path distance to zero or placing the error microphone 16 immediately adjacent speaker 14, whereby model 142 models only the canceling speaker 14. (emphasis added).

In no manner does the foregoing constitute a disclosure or even a suggestion of *__determining__* a transfer function of a target system within a drive system *__in accordance with noise signals__* applied to the drive system in an applying step in which a plurality of noise signals *__covering different frequency ranges__* are applied to the drive system as input signals. Indeed, to the extent that the speaker transfer function or the error path transfer function might be considered to be described by Delfosse et al. as being determined -- which is not conceded -- neither the speaker transfer function nor the error path transfer function is described as being determined *__in accordance with noise signals__* from the noise source 140 or otherwise.

Based on the foregoing, it is plainly apparent that Delfosse et al. do not disclose, or even suggest, either the "successively applying" step or the "determining" step as recited in claim 1. That the present rejection is untenable is

particularly evident in light of the failure of the Final Office Action to meaningfully respond to the remarks presented in the Amendment submitted on September 16, 2005. In this regard, the "Response to Arguments" section of the Final Office Action merely sets forth a generalized discussion of how claims are to be interpreted during prosecution and reiterates Applicant's remarks. The portions of Delfosse et al. parenthetically mentioned in the last sentence of the "Response to Arguments" section of the Final Office Action are entirely irrelevant to the patentability of claim 1 for the reasons more fully set forth above.

It is "well settled that the burden of establishing a prima facie case of anticipation resides with the [United States] Patent and Trademark Office." Ex parte Skinner, 2 U.S.P.Q.2d 1788, 1788 to 1789 (Bd. Pat. App. & Inter. 1986). To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Delfosse et al. do not disclose, or even suggest, all of the features recited in claim 1. As such, it is respectfully submitted that Delfosse et al. do not anticipate claim 1.

As for claims 2, 3 and 6 to 7, which ultimately depend from claim 1 and therefore include all of the features recited in claim 1, it is respectfully submitted that Delfosse et al .do not anticipate these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 1.

As regards claims 8 and 9, these claims include features analogous to features included in claim 1. As such, it is respectfully submitted that Delfosse et al. do not anticipate claims 8 and 9 for at least the same reasons more fully set forth above in support of the patentability of claim 1.

In addition, claim 8 recites that a device for analyzing a drive system includes: (1) an arrangement configured to successively apply a plurality of noise signals to the drive system as input signals, the noise signals *covering different frequency ranges*; and (2) an arrangement configured to *determine a transfer function* of a target system within the drive system *in accordance with the noise*

signals applied to the drive system. The noise source 140 described by Delfosse et al. is not configured to successively apply a plurality of noise signals *covering different frequency ranges* to a drive system. Rather, as described above, Delfosse et al. mention that the noise source 140 outputs a repeating sequence of individual frequencies in a Galois sequence. Furthermore, there is no disclosure, or even suggestion, whatsoever by Delfosse et al. of any device configured to *determine a transfer function in accordance with noise signals* from the noise source 140 or otherwise. Rather, the only mentions by Delfosse et al. of transfer functions are reproduced above. A plain reading of that description by Delfosse et al. makes plain that Delfosse et al. do not disclose, or even suggest, a determination of a transfer function in accordance with noise signals from the noise source. Thus, based on the foregoing additional reasons, it is respectfully submitted that Delfosse et al. do not anticipate claim 8.

As regards claim 9, claim 9 recites that a device for analyzing a drive system includes: (1) means for successively applying a plurality of noise signals to the drive system as input signals, the noise signals *covering different frequency ranges*; and (2) means for *determining a transfer function* of a target system within the drive system *in accordance with the noise signals* applied to the drive system. The noise source 140 described by Delfosse et al. is not for successively applying a plurality of noise signals *covering different frequency ranges* to a drive system. Rather, as described above, Delfosse et al. mention that the noise source 140 outputs a repeating sequence of individual frequencies in a Galois sequence. Furthermore, there is no disclosure, or even suggestion, whatsoever by Delfosse et al. of any means for *determining a transfer function in accordance with noise signals* from the noise source 140 or otherwise. Rather, the only mentions by Delfosse et al. of transfer functions are reproduced above. A plain reading of that description by Delfosse et al. makes plain that Delfosse et al. do not disclose, or even suggest, a determination of a transfer function in accordance with noise signals from the noise source. Thus, based on the foregoing additional reasons, it is respectfully submitted that Delfosse et al. do not anticipate claim 9.

In view of all of the foregoing, it is respectfully submitted that Delfosse et al. do not anticipate claims 1 to 3 and 6 to 9. Therefore, withdrawal of this rejection is respectfully requested.

V. **Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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